

CITY OF CASPER  
PERSONNEL  
RULES AND REGULATIONS  
MANUAL

**August 20, 2002**

**THIS PERSONNEL RULES AND REGULATIONS MANUAL IS NOT A CONTRACT OF EMPLOYMENT. NOTHING CONTAINED IN THIS MANUAL OR IN ANY OTHER STATEMENTS OF CITY PHILOSOPHY, INCLUDING STATEMENTS MADE IN THE COURSE OF PERFORMANCE EVALUATIONS AND WAGE REVIEWS, SHOULD BE TAKEN AS CONSTITUTING AN EXPRESS OR IMPLIED PROMISE OF CONTINUING EMPLOYMENT. THE CITY OF CASPER RESERVES THE UNILATERAL RIGHT TO MODIFY ITS POLICIES AND PROCEDURES AT ANY TIME AT ITS DISCRETION, WITH OR WITHOUT NOTICE.**

# PERSONNEL RULES AND REGULATIONS MANUAL

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## EQUAL OPPORTUNITY COMMITMENT

The City of Casper is committed to the concept and the practice of equal employment opportunity regardless of ancestry, race, color, creed, sex, age, disability, political affiliation, or national origin.

## FAIR LABOR STANDARDS ACT COMPLIANCE

The City complies with the Federal Fair Labor Standards Act (FLSA). The City has defined exempt and non-exempt positions and compensates for overtime hours in compliance with the Act. FLSA provides state and local governments with the option of compensating extra hours with time off at a rate of one and one-half (1-½) hours per hour, in lieu of cash payments at the same rate. The election to receive compensation time (comp time) must be made by the employee in writing prior to the time worked. Except in the case of sworn Civil Service Police and Fire Department employees, FLSA sets a maximum limit of comp time at two hundred forty (240) hours, representing not more than one hundred sixty (160) hours of actual overtime worked. For law enforcement and fire protection employees, a maximum of four hundred eighty (480) hours of compensatory time may be accrued, representing not more than three hundred twenty (320) hours of actual overtime worked. Department Heads or their designees have the authority to determine internal limits and rules regarding use of comp time, except as otherwise provided by law. FLSA also provides for alternate work periods for law enforcement and fire protection personnel. See the "DEFINITIONS" section for definitions of exempt, non-exempt, and work period, and Section C, Overtime Compensation, under COMPENSATION AND RECOGNITION.

## PUBLIC SERVICE CODE OF CONDUCT

As "City of Casper" employees, we take pride in our work and are committed to quality public service. We realize that the citizens of Casper watch and evaluate our conduct, both on and off the job, further encouraging us to maintain a high level of professionalism. These citizens have a right to expect that each public employee will conduct him or herself in a manner that preserves confidence in and respect for the City government. Employees shall abide by, and be subject to, Casper Municipal Code 2.60 regarding City employee ethics and conflicts of interest as it currently exist, and as it may, from time to time, be amended. A copy of the code is available either through the department secretary or Human Resources.

## COMMITMENT TO SAFETY

The City is committed to providing a safe working environment for its employees. All employees have access through their supervisor to the "Loss Control and Safety Manual" published by Risk Management. Unsafe working conditions should be reported to an employee's supervisor according to guidelines in the referenced manual.

## USE OF THIS MANUAL

This "Personnel Rules and Regulations Manual" has been prepared by the Human Resources Department, and is issued by the authority of the City Manager. It replaces and supercedes all previous handbooks and general employee rules and regulations, including but not limited to the information published in the City of Casper Personnel Rules and Regulations Manual dated June 15, 1999, and July 1, 2002. These Rules and Regulations apply to all employees, except as otherwise provided and except as follows:

- Council appointed committees and commissions.
- Elected officials.
- Council appointees.
- Duly sworn Civil Service Police and Fire Department employees are exempt from provisions of these rules which are in conflict with the Civil Service Commission Rules and Regulations. Such employees are subject to the same sexual harassment policy and, in the case of written reprimands, the same grievance policy as set forth in these Rules.
- Employees are exempt from provisions in conflict with union contracts.
- Contract employees.

## ABOUT THIS MANUAL

This manual is intended to give an employee as much specific information as possible about his/her job and the City. This manual supersedes all prior general policies and procedures. There may be minor differences, depending on the job, but this manual sets out the basic terms of employment for City employees.

**THIS PERSONNEL RULES AND REGULATIONS MANUAL IS NOT A CONTRACT OF EMPLOYMENT. NOTHING CONTAINED IN THIS MANUAL OR IN ANY OTHER STATEMENTS OF CITY PHILOSOPHY, INCLUDING STATEMENTS MADE IN THE COURSE OF PERFORMANCE EVALUATIONS AND WAGE REVIEWS, SHOULD BE TAKEN AS CONSTITUTING AN EXPRESS OR IMPLIED PROMISE OF CONTINUING EMPLOYMENT. THE CITY OF CASPER RESERVES THE UNILATERAL RIGHT TO MODIFY ITS POLICIES AND PROCEDURES AT ANY TIME AT ITS DISCRETION, WITH OR WITHOUT NOTICE.**

In order to retain necessary flexibility in the administration of policies and procedures, the City reserves the right to change, revise, or delete the plans, policies, benefits, and procedures described in this manual at any time the City determines such a change is necessary or desirable. Benefits may be added, changed, or deleted by the City Manager without employee consent. While the manual is not a contract, it does represent the City's policy -- so please understand that the only person with the authority to make any changes is the City Manager.

As the appointing authority for the City of Casper, the City Manager ultimately determines personnel policy. The City Manager has the authority to waive any section in extraordinary cases, where he or she judges such action to be in the best interest of the City. The Human Resources Director plans, coordinates, organizes, and manages the personnel program for the City of Casper, working under the guidance of the City Manager. Department Heads or their designees are responsible for ensuring that their departments operate in compliance with these rules, and that copies of this manual are available to the department's employees. Each department may have rules and regulations specific to the function of that department. Check with your supervisor for this information. In the event of a conflict, the provisions of this manual prevail.

The following definitions refer to words and terms used in this manual.

## DEFINITIONS

The words and terms used in this section shall have, unless otherwise defined, the following meanings:

Administrative Leave - Forty (40) hours of leave that is annually given to Department Heads. Administrative leave can be granted to other employees only with written permission from the City Manager. This time cannot be carried over from year to year.

Anniversary Date - The date of an employee's most recent hiring or last merit, promotional, other salary increase, or other salary action.

Call-Out Time - Pay for non-exempt employees in exchange for responding to an unscheduled call after working hours. Consistently paid at time and one-half (1-½) after forty (40) hours worked. Under the Fair Labor Standards Act, sworn Police and Fire employees have unique overtime provisions.

Class, Classification - The formal title of one or more positions.

Compensation - Refers to all forms of valuable consideration, including wages and fringe benefits earned by or paid to any employee by reason of service in a position.

Comp Time - Compensatory time off in lieu of pay for overtime hours as defined by the City's overtime policy. Comp time applies to non-exempt employees only.

Demotion - The change of an employee to a lower position or classification, and a lower salary range.

Department Head - A reference to Department Head may also mean his or her designee, unless otherwise indicated.

Discharge from Employment - Involuntary removal of a person from the status of City employee.



Dismissal - The involuntary separation of an employee from his/her position other than layoff; discharge.

Employee - A person legally holding a compensated position with the City appointed by the City Manager.

Exempt Position/Employee - People in an exempt position are considered to be exempt from overtime provisions set forth in the Fair Labor Standards Act. These positions are exempt due to their executive, administrative, or professional duties, and are not eligible to receive compensation for overtime.

Flex Time for Non-Exempt (Eligible for Overtime) Employees - Recorded time off in exchange for time worked outside regularly scheduled hours, on an hour for hour basis. These hours may include early and late work hours, non-working days, and unpaid lunch time. Paid break time is an example of time that cannot be used as flex time. Flex time is pre-approved by the supervisor and must be exchanged within the same seven-day work week. FLSA defined law enforcement and fire protection employees must exchange flex time within their established work period. Flex time is a privilege and not a right.

Grade - A specific range of pay rates within the Compensation/Pay Plan.

Grievance - A misunderstanding or disagreement between an employee and a supervisor that relates to working conditions, established policy, benefits, or compensation.

Immediate Family - Parents, grandparents, brother, sister, grandchild, child, or spouse, and equivalent relationships by marriage.

Incumbent - The employee occupying a specific position.

Layoff - The involuntary separation of an employee from his/her position because of lack of work, lack of funds to continue the work, elimination of position, or reorganization.

Merit Increase - Refers to an increase in salary based on satisfactory work performance.

Modified Weekend - Two (2) regularly scheduled successive days off, other than Saturday and Sunday, within a seven (7) day week.

Non-Exempt Position/Employee - A non-exempt position is considered not to be exempt from overtime provisions set forth in the Fair Labor Standards Act. Non-exempt employees are eligible to receive overtime compensation.

Overtime - Any time worked in excess of the legally established hours in a defined work period by an employee considered to be non-exempt under the Federal Fair Employment Practices Act.

Part-Time Position - A position, either regular or temporary, in which the incumbent is ordinarily scheduled to work less than forty (40) hours a week, when averaged over a successive twelve (12) month period.

Pay Period - Fourteen (14) days encompassing two work weeks.

Pay/Compensation Plan - The schedule of pay grades for all job classifications in City service.

Pay Rate - The specific dollar amount established for each step within a pay range for a specified period of time (i.e., annual, biweekly, hourly).

Position - A specific group of duties and responsibilities assigned to an employee.

Probationary Employee - A new employee who is considered to be employed for a probationary period and who may be dismissed during the probationary period without cause.

Probationary Period - A period of not more than eighteen (18) months of employment allowing an assessment of an employee's ability to perform. An employee is eligible for appointment to regular status after twelve (12) successive months of employment.

Professional Time for Exempt (Not Eligible for Overtime) Employees - Time occasionally granted to an exempt employee by his or her supervisor for work performed exceeding normal work requirements.

Promotion - The change of an employee to a higher position, classification, and a higher salary range; lateral promotion is a change of classification position in the same range.

Reclassification - The change in salary range of a classification (and all employees so classified), or the reassignment of a specific position (and its incumbent) to a different classification.

Regular Employee - A full-time employee, (including full-time unsworn Police And Fire Department employees), other than Department Heads or Division Heads, who has successfully completed the probationary period for the position held and is eligible for all privileges and benefits provided by the City.

Reinstatement, Rehire - The action by which an employee, after separating from service, is re-employed.

Retire, Retired, or Retirement - The termination of an employee's working career for a salary as a City employee and the fulfillment of the requirements for eligibility to receive either a service or a disability retirement allowance under Article 4, Chapter 3, Title 9, of the Wyoming Statutes (Section 9-3-401 et seq.).

Review Date - The date designated for the performance evaluation review at periodic points for probationary employees and annually for regular employees.

Seasonal/Temporary Employee - A pay scale classification designating employment on an intermittent or as needed basis.

Show-Up Time - Payment for non-exempt employees for showing up for a regularly scheduled shift and being told that there is no work and/or there will be a re-assignment to a later shift.

Stand-By (On-Call) Time - Scheduled periods of time where employees are required to be accessible to return to work during off hours. Compensation for stand-by (on-call time), if any, is calculated at the employee's normal hourly rate or according to the Fair Labor Standards Act.

Step - A single rate of pay within a pay grade.

Suspension - A temporary separation from service.

Transfer - A change in position, but no change in classification or current salary; anniversary date unaffected.

Vacancy - A position which is not occupied and for which funds have been provided.

Work Period - A work period, as defined by the Fair Labor Standards Act (FLSA), applies only to law enforcement and fire protection employees, and can be any period of time from seven (7) to twenty-eight (28) days. A table published by the Department of Labor Wage and Hour Division sets forth the maximum number of hours which can be worked in the referenced work period. Contact Human Resources for more information. The Police and Fire Departments may have different rules due to the FLSA 7k exemption.

Work Week - The hours of 12:00:01 a.m. Monday morning until midnight Sunday night. These hours are for the purpose of computing overtime.

## NEW TO THE CITY

### A. Pre-Employment Evaluation

Selection of applicants for City employment is based solely upon the applicant's ability, with or without a reasonable accommodation in the case of a qualified person with a disability, to perform the essential functions and meet the qualifications established for the job. Applicants will be denied employment for intentional misrepresentation of pre-employment information, and falsification on an application may result in dismissal at a later date. Current unlawful use of drugs, including alcohol, or conviction of a crime which in the sole discretion of the City substantially impairs a candidate's ability to perform the essential functions of the job may be cause for employment rejection.

All successful applicants will be required to pass a pre-employment drug screen as a condition of employment.

### B. New Hire Orientation

Newly hired full-time employees will attend a "New Hire Orientation", at a time mutually arranged with the employee, Department Head or his/her designee, Human Resources Office,

and Risk Management. In the orientation session, new employees will be informed of City policies, benefits, and certain safety procedures. A copy of the "Employee Personnel Rules and Regulations Manual" will be distributed to all full time employees, and it is the employee's responsibility to become acquainted with this important material as soon as possible. The manual is available in alternative format through the Human Resources Department to accommodate employees with a disability.

C. Probationary Period

The City Manager may discharge a probationary employee at any time within the probationary period.

Unless a probationary employee has been discharged, his or her performance should be reviewed at the sixth (6th) and twelfth (12th) successive months of employment and the results communicated to the employee. If the employee is not granted regular status or discharged at the twelfth (12th) successive month, the probationary period shall be considered extended.

Not later than the eighteenth (18th) successive month of employment, a probationary employee should be granted regular status or discharged; provided, however, that regular status shall only be granted by a written employee status form signed by the Department Head and the Human Resources Director.

In no case will failure to make a recommendation or issue an employee status form be considered a grant of regular employment status.

D. Pay Day

Employees are paid on a bi-weekly basis, every other Thursday. Full-time employees' pay is normally based upon eighty (80) hours. Each paycheck has a stub detailing the pay amount. Any questions concerning paychecks should be directed to each employee's supervisor. Should an employee desire another person to pick up his/her paycheck, he/she should check with the payroll clerk for department rules.

E. Personnel Records

Permanent personnel files are maintained on each employee in the Human Resources Office. These confidential files include an employee's educational history, volunteer experience, and special training and skills. Work experience, both with the City and prior to, is recorded and updated to reflect ongoing training and changes in job responsibility. Salary increases, promotions, demotions, letters of commendation, and disciplinary records are all part of a personnel file. Employees may review their file by visiting the Human Resources Office during normal business hours or by arranging an after hours appointment.

Because of social security, payroll, insurance, income tax, and other requirements, it is particularly important that you keep the City informed of any changes in the following: 1) address; 2) telephone number; 3) marital status; 4) number of dependents; 5) a person to

contact on your behalf in case of an emergency; 6) the date on which a dependent marries or reaches age 19; and 7) U.S. employment eligibility or authorization.

F. Position Classification Plan

The purpose of the Position Classification Plan is to provide descriptions and specifications of all classifications. All positions under the appointing authority of the City Manager are covered by the Position Classification Plan.

The Position Classification Plan consists of:

1. Classification titles which describe the work of the class. The designated title will be used in all personnel, budget appropriations, and financial records.
2. Job descriptions which define and explain the specific level of education, ability, and/or experience required to perform the essential job functions.
3. A grouping of similar positions of equivalent complexity, difficulty, authority, and responsibility, extent of supervisory control, and qualifications into the same pay range.

Use of Position Classification Plan

The Position Classification Plan will be used:

1. To prepare announcements and advertisements of vacancies.
2. As a guide to selecting qualified employees.
3. To aid in determining in-service promotions, transfers, and rotations.
4. To develop personnel costs in budget preparation and analysis.
5. To develop in-service training programs.
6. As a guide in determining salaries for types of work.
7. To provide uniform job terminology.
8. To clarify individual job responsibilities for management and employees.
9. To assist in describing the essential functions of the position in question.

## Maintenance of Position Classification Plan

The Human Resources Director is responsible for updating the Position Classification Plan so it will reflect the duties of each position and the class to which each position is allocated.

## TIME AWAY FROM WORK

### A. Unauthorized Absences

An employee will not be paid for an unauthorized absence, and will be subject to disciplinary action. An employee who is absent without notification to his/her immediate supervisor or that supervisor's designee for two (2) consecutive days shall be considered to have resigned. If there are extenuating circumstances, the employee may be permitted an opportunity to present such circumstances to the Department Head or his/her designee for reconsideration of his/her resignation.

### B. Jury Duty or Court Directed Witness

A City employee will be given a leave of absence to serve on a jury or as a court directed witness, upon presentation to the Department Head or his/her designee of an authorized court directive, or equivalent. The employee may either: 1) take leave with pay, and remit court compensation to the City (excluding expenses paid to the employee); or, 2) take vacation or compensatory time if available, and retain any court compensation received.

### C. Outside Employment

If an employee wishes to engage in outside employment, he or she may do so upon notification to the Department Head or his/her designee. If a conflict arises between the interests of the City of Casper and outside employment interests in reference to scheduling, attendance, or any other issue, the interests of the City will prevail. The employee must provide the name, address, and phone number of the outside employer to the Department Head or his/her designee.

### D. Political Activity

Employees are encouraged to exercise their political rights. However, no employee may use his or her position or title, or otherwise be identified as an employee in the exercise of these rights. The exercising of political rights is not to interfere with City work.

City employees are not allowed to serve on the Casper City Council. A City employee shall be deemed to have resigned from City employment at the time said employee is sworn in as a City Council member.

Employees will be compensated for their participation during work hours on City related boards, commissions, councils, or legislatures only if their attendance is approved in advance by their Department Head or his/her designee. Time spent serving on boards, commissions, councils, or legislatures not directly related to an employee's position with the City is not compensable. An

extended service may fall under the Leave of Absence Policy and affect benefit accrual and premium payments.

## COMPENSATION AND RECOGNITION

### A. Merit Pay Plan

A new employee, or an employee transferred into a new class, will generally be paid the minimum rate of pay for that class. In certain instances, a starting rate higher than the minimum rate may be paid if the Department Head or his/her designee submits a request outlining reasons for such action, and the request is approved by the City Manager.

Salary increases are considered annually based upon the most recent performance evaluation. Annual merit increases may be granted subject to fiscal conditions. Employees whose performance merits a raise are eligible for an increase of approximately five percent (5%) through the steps in that pay grade, with step increases ceasing once the top step is reached.

The City Council may periodically authorize across-the-board salary adjustments in response to inflation.

### B. Salary Schedules

The Director of Human Resources is responsible for the preparation and maintenance of salary schedules, which show class titles and salary ranges for all positions. The Director of Human Resources is responsible for recommending salary schedule changes and additions to the City Manager.

### C. Overtime Compensation

Normally, any time worked by a non-exempt employee in excess of forty (40) hours in a seven (7) day week is compensated with time off or pay at the rate of time and one-half. Sworn Police and Fire Department employees may have different rules due to the FLSA 7k exemption. Vacation, holidays off, and jury duty taken with pay will count as hours worked for the purposes of calculating overtime. Disability leave, bereavement leave, and comp time taken will not count as hours worked for the purposes of calculating overtime.

Both overtime and compensation time accrue at the rate of time and one half. Departments and divisions must always allow employees to choose pay instead of comp time if they so desire, but may establish guidelines regarding whether or not comp time will be given, and if so, how many hours can be accrued depending upon the nature of the operation. Comp time balances may not exceed the federal accrual cap which is two hundred forty (240) hours and four hundred eighty (480) hours for Sworn Civil Service Police and Fire Department employees.

Fire fighters may have other overtime provisions.

Overtime compensation does not apply to exempt employees as defined by Federal Fair Labor Standards Act. Those employees may receive administrative time off and other special benefits at the discretion of the City Manager.

D. Choosing Docked Time

Unless requesting a leave of absence, an employee is not allowed to take unpaid leave (docked time) when that employee has vacation time or comp time available. If an employee wishes to use docked time for reasons that qualify for disability leave use as referenced in Section “F” on pages 29-30, disability leave, vacation and comp time banks must all be exhausted before an employee can be docked time. Disability hours can only be used for circumstances that qualify, as outlined on pages 29-30 of this manual.

E. Travel Time

When a non-exempt employee travels, some travel time is considered as time worked. The City of Casper follows the Fair Labor Standards Act regulations and pays travel time according to these schedules:

1. Commuting/Home-To-Work Travel – Ordinary commuting does not require compensation and is not considered time worked for the City, even if the work site changes, such as construction sites.
2. Driving From One Work Site To Another – If employees are required to report to a central location and receive assignments, the travel time from the central location to a subsequent job site is considered hours worked. If employees are given the option to report to a central location or to report directly to a job site, the travel time to either place is not considered hours worked.
3. Out Of Town Less Than 24 Hours – If an employee is on a one-day assignment in another city that does not require an overnight stay, all the time spent traveling between cities is counted as hours worked. However, time spent traveling between the employee’s home and the airport or bus station during an employee’s departure or return is not considered to be work time, because it is the equivalent of travel time between home and work.
4. Out Of Town Overnight – If the employee’s out-of-town assignment requires an overnight stay, time spent traveling to the other city is counted as hours worked only to the extent that it coincides with the employee’s regular workday. Travel that occurs during hours of the day in which the employee normally works is counted as work time, even if it falls on a day that is normally a non-working day for the employee (for example, a Saturday or Sunday).

If, on the other hand, the travel occurs during hours that are outside the employee’s regular workday, it need not be counted as hours worked unless, of course, the employee actually performs work for the City while traveling during these regularly unscheduled hours.



## JOB PERFORMANCE

### A. Driving Essential

If an employee in a "driving essential" position is determined to be uninsurable with the City's auto insurance carrier, the employee may be reassigned or discharged.

### B. Performance Evaluation

The purpose of a performance appraisal is to determine and document an employee's performance level, thus permitting supervisors to effectively establish appropriate promotion, retention, training, and development actions.

During the probationary period, a minimum of two (2) evaluations shall be conducted. More frequent appraisals are encouraged. Regular employees are normally evaluated annually. Though you should feel free to discuss your performance with your supervisor at any time, evaluation interviews are an ideal opportunity to air any work-related concerns.

### C. Disciplinary Action

1. For the most part, appropriate conduct at work is simply a matter of good common sense. It is not the intention of the City to create a catalog of rules, disciplinary offenses, and penalties; nor is it our intention in listing these work rules to restrict either the employee's or the City's right to terminate employment at any time for any lawful reason. Types of behavior that can result in discipline, up to and including dismissal include, but are not limited to, the following:
  - a. Falsification of written records, including making false statement(s) on your application for employment.
  - b. Theft, misappropriating, sabotaging, defacing, damaging, or destroying City property or the property of others.
  - c. Dishonesty or lying.
  - d. Conviction of a crime which, in the sole discretion of the City, substantially impairs an employee's ability to satisfactorily perform one or more essential functions of the job.
  - e. Punching another employee's time card or falsification of a time card or other City record.
  - f. Attempting to provoke or engage in a fight while on duty.
  - g. Leaving the job during working hours without proper authorization.

- h. Harassment of supervisors, co-workers, or the general public based upon a person's race, color, age, gender, medical condition, protected disability, ancestry, religion, national origin, or marital status.
- i. Wasting time, loafing, or not attending to job duties.
- j. Violation of attendance or safety rules.
- k. Smoking in unauthorized areas.
- l. Carrying firearms or other dangerous weapons on City premises without the City Manager, the City Attorney, or a City Department Director approval or contrary to law.
- m. Being excessively late or absent or failure to observe departmental work hours.
- n. Failing to give proper advance notice of illness or absence. Employees should check with their supervisors for specific notice time rules relative to specific departments.
- o. Performing unsatisfactory work.
- p. Violation of these Rules and Regulations or departmental work rules or directives or supervisor's performance standards.
- q. Neglect of duties, or the inability to perform assigned duties in an efficient, effective, timely, and satisfactory manner.
- r. Misconduct or negligence connected with the job.
- s. Use of or being under the influence of alcohol, intoxicants, or illicit non-prescribed drugs while on duty.
- t. Commission of a felony.
- u. Insubordination, including, but not limited to, refusal to meet with supervisor, Department Head or his/her designee, or City Manager, and/or refusal to comply with a request or directive from a supervisor, either by action, inaction, conduct or verbal expression.
- v. In the case of an administrative investigation conducted by Human Resources, Risk Management, or the City Attorney's office, failure to answer questions regarding employment may result in disciplinary action up to and including termination. In that case and circumstance, the employee shall be advised by the person investigating the situation that nothing stated by the employee in the administrative investigation can be used against that employee in any subsequent criminal investigation pertaining to that employee.

2. Discipline - Each infraction, violation, or misconduct can result in disciplinary action. Types of disciplinary action may include: reprimand, suspension from duty, and/or discharge from City employment. Progressive discipline is not required.
  - a. The employee must sign a copy of the reprimand indicating (s)he has received the reprimand. The employee's signature does not indicate agreement with the reprimand. Failure by the employee to sign may be deemed to constitute insubordination, and additional appropriate disciplinary action may be taken.
  - b. Documentation regarding discipline will be retained in an employee's personnel file.

## DISCHARGE PROCEDURES

All non-Civil Service employees who have been recommended for discharge shall be placed on unpaid administrative leave at the time they are advised of the discharge recommendation. In the event the employee is not ultimately discharged from employment, the employee will be reimbursed for the unpaid leave time. Civil Service employees may be placed on unpaid administrative leave by the Police or Fire Chief, or his or her designee, following a pre-deprivation hearing.

1. Discharge Procedures for Probationary Employees
  - A. The immediate supervisor and Department Head shall meet with the employee. This meeting may take place at any time during the probationary period. The purpose of this meeting is to advise the employee that a recommendation for discharge is being made to the City Manager. The Department Head shall also inform the employee that he/she is placing the employee on unpaid administrative leave to continue until a discharge decision is rendered by the City Manager.
  - B. The employee has five (5) business days to request a meeting with the City Manager. The request must be in writing and must be submitted to the Human Resources Director, stating the reasons for disagreeing with the Department Head's recommendation. If a request is not made in five (5) business days, the City Manager may rely on the Department Head's recommendation to make a discharge decision.
  - C. If the employee requests a meeting, the Human Resources Department will make the arrangements and notify the employee in writing. Only the employee, the Department Head, and the City Manager shall be allowed at the meeting. The supervisor and/or Human Resources Director may be included at the discretion of the Department Head. The employee may present information on his/her behalf. The Department Head shall present information relating to the employee's probationary status and/or may respond to the information from the employee and/or questions by the City Manager.
  - D. A decision by the City Manager to discharge a probationary employee shall not mean anything other than that continued employment by the City would not be in the City's

best interest and any written decision to discharge the employee shall only reflect that continued employment was determined not to be in the best interest of the City.

- E. If the City Manager decides to discharge the employee, he or she is discharged from the City payroll and is no longer considered to be a City employee.
- F. A probationary employee is not allowed a review of a discharge decision by the Personnel Review Panel.

2. Discharge Procedures for Regular Full-Time Employees

- A. A supervisor will inform the employee, either orally or in writing, that a recommendation for discharge is being made to the Department Head. In either case, the supervisor provides written documentation to the employee and the Department Head outlining the reasons for the discharge recommendation.
- B. The Department Head meets with the employee and supervisor to discuss the supervisor's recommendation.
- C. If the Department Head determines the discharge is warranted, he/she will inform the employee that he/she is recommending that the City Manager discharge the employee. A copy of the Department Head's written recommendation to the City Manager shall be provided to the employee.
- D. The Department Head informs the employee that he/she being placed on unpaid administrative leave to continue until a discharge decision is rendered by the City Manager.
- E. The Department Head informs the employee that Human Resources will arrange a meeting which shall include the City Manager, the Department Head, and the employee. The employee's supervisor and the Human Resources Director may be included at the discretion of the Department Head.
- F. Human Resources will notify the employee, in writing, of the meeting date and explain the procedures and requirements relating to the meeting with the City Manager. Additionally, the employee is encouraged to schedule a meeting with Human Resources to review these requirements. Attorneys will not be allowed to attend the meeting with the City Manager.

At the meeting with the City Manager, the Department Head and/or supervisor presents the recommendation for discharge and the employee responds and provides all information, including written information, relevant to the discharge recommendation.

- H. If the City Manager decides to discharge the employee, he or she is discharged from the City payroll and is no longer considered to be an employee. The charges supporting discharge shall be specified by the City Manager in a written notice, which together with a copy of City Code, Section 2.66.010 shall be delivered personally or by mail to the

employee at his or her last known address within three (3) working days of removal. The decision of the City Manager may be re-examined by the Personnel Review Panel upon the request of the discharged employee. Within seven (7) business days of the date the aforementioned notice is delivered or sent, the employee may request a hearing upon the charges by delivering a written request to the office of the City Manager. The employee's request shall state the employee's reason(s) for disagreeing with the decision of the City Manager. Refer to City Code, Section 2.66.010.

3. Discharge Procedures for Part-Time/Seasonal Employees

- A. A supervisor will inform the employee, either orally or in writing, that a recommendation for discharge is being made to the Department Head. In either case, the supervisor provides written documentation to the employee and the Department Head outlining the reasons for the discharge recommendation.
- B. Department Head meets with the employee and supervisor to discuss the supervisor's recommendation.
- C. If the Department Head determines that the discharge is warranted, he/she will inform the employee that he/she is recommending that the City Manager discharge the employee. The Department Head shall also inform the employee that he/she is placing the employee on unpaid administrative leave to continue until a discharge decision is rendered by the City Manager.
- D. The Department Head informs the employee that Human Resources will arrange a meeting to include the City Manager, the Department Head, and the employee. The Human Resources Director and/or the supervisor may be included at the discretion of the Department Head. Attorneys will not be allowed to attend the meeting with the City Manager.
- E. Human Resources will notify the employee, in writing, of the meeting date and explain to the employee the procedures and requirements relating to the meeting with the City Manager. Additionally, the employee is encouraged to schedule a meeting with Human Resources to review these requirements.
- F. The Department Head and/or supervisor presents the recommendation and the employee responds and provides all information, including written information, relevant to the discharge recommendation.
- G. If the City Manager decides to discharge the employee, he or she is discharged from the City payroll and is no longer considered to be a City employee.

**THE CITY OF CASPER RESERVES THE UNILATERAL RIGHT TO MODIFY ITS POLICIES AND PROCEDURES AT ANY TIME AT ITS DISCRETION, WITH OR WITHOUT NOTICE.**

## "YOUR VOICE"

### A. Employee Input

The City encourages the opinions and suggestions of its employees. From time to time, committees will be formed to deal with employee-related issues. If you are interested in serving, contact your supervisor and the Human Resources Department.

### B. Grievance Process

1. The purpose of this grievance process is to provide a method to resolve grievances without discrimination, restraint, or reprisal against any regular full-time or regular part-time employee who may be involved in a grievance. The grievance process does not apply to Department Heads, who will, however, have recourse to the City Manager for investigation and resolution. The Human Resources Director will investigate grievances involving probationary and seasonal employees.

Certain items falling under the purview of rights of management will not be subject to the grievance process. Such items include, but are not limited to:

- a. Decisions to terminate or otherwise discharge an employee from employment with the City. Provided however, disciplinary matters other than termination or discharge from employment are grievable under this policy.
- b. Discharge of policy, including the right to manage the affairs of the City;
- c. Right to assign working hours, including overtime;
- d. Right to organize and reorganize in any manner it chooses;
- e. Termination of health, safety, and property-protection measures;
- f. Hire, evaluate, promote, layoff as it sees fit;
- g. Establishment, modification, and enforcement of rules and regulations; and,
- h. Introduction of new, improved, or different methods and techniques of operation.

For the purposes of this section concerning the grievance process, attorneys for either the employee or the City are not allowed to participate in grievance procedure meetings, including the meeting before the Grievance Board.

Sworn Civil Service Police And Fire Department employees are excluded from this grievance procedure and shall follow the procedures set forth in the Rules and Regulations of the Casper Civil Service Commission, with the exception that Police Division employees who receive written reprimands may use this grievance procedure.

For the purposes of this section, a business day is defined as any weekday (ie. Monday, Tuesday.....Friday), excluding holidays.

Step 1.        Informal discussions between the employee and the immediate supervisor(s) are initially required. In some work groups this will include appropriate division management. The discussion must be requested by the employee within five (5) business days of the occurrence or receipt of disciplinary action and take place as soon as possible. The employee is responsible for presenting the complaint to the supervisor(s). The supervisor(s) are responsible for evaluating the employee's complaint in compliance with existing personnel policies and practices. If the complaint is not satisfactorily resolved at the informal discussion level, the employee may file a formal written grievance.

Step 2.        Formal written grievances must be filed within five (5) business days from the date of the informal discussion between the employee and the immediate supervisor. The employee must complete the City of Casper Grievance Form. The employee submits the original copy to his Department Head, a copy to the Human Resources Director, and retains the third copy.

Within five (5) business days of the date on which the written grievance is received, the Department Head shall deliver a decision, in writing, to the employee on the original copy of the grievance form.

Step 3.        Within five (5) business days from receipt of the Department Head's written decision, and using the returned original copy of the grievance form, the employee may appeal to the Human Resources Director.

Within ten (10) business days from the receipt of the employee's grievance appeal, the Human Resources Director will conduct a comprehensive review of the allegations referenced in the employee's grievance appeal. At this step, the Human Resources Director may attempt to resolve the conflict on an informal basis with the applicable parties. The Human Resources Director will meet with the employee and the Department Head and will provide the parties with a written decision.

Step 4.        Within ten (10) business days from the receipt of the written decision by the Human Resources Director, the employee may appeal to the City of Casper Grievance Board by presenting all of the above referenced written reports, along with a written request to the Human Resources Director, for a review by the Grievance Board.

2.        The Grievance Board will be comprised of five (5) members as follows:

- a.        The Human Resources Director, or his or her designee in the event of a conflict of interest, will be Chairman of the Grievance Board;
- b.        A Department Head appointed by the City Manager other than from the grieving employee's department.

- c. Three (3) non-supervisory employee representatives selected by the nonsupervisory employee community. Employee representatives will be selected by ballot as terms expire. Appropriate procedures, announcement, and ballots will be administered by the Human Resources Director. One (1) representative will be selected for one (1) year, two (2) representatives will be selected for two (2) years. No representative will serve more than two (2) consecutive terms. All regular, nonsupervisory employees are eligible to vote. An alternate member will be elected as the next highest vote-getter.
3. The Grievance Board will investigate the matter presented by the employee. Testimony will be received from witnesses to both sides of the complaint and acceptable documentation of related matters will be reviewed and evaluated. Upon completion of the investigation, the Grievance Board will arrive at a decision within five (5) business days.
4. All members of the Grievance Board will be present for all proceedings, including the decision vote. In the absence of a given Board member(s), replacement(s) suggested by the Human Resources Director and acceptable to the employee and the Department Head may be substituted for the original Board member(s). Such replacements will be made completely familiar with the facts of the complaint and related evidence prior to casting a decision vote.
5. A recommendation by the Grievance Board will be in writing and directed to the employee, the Department Head, and the City Manager.
6. The City Manager will review the Grievance Board's recommendation and has final authority to approve, modify, or reject the recommendation within ten (10) business days of receipt. The decision by the City Manager will be final and binding.

Time limits may be extended by the Human Resources Director in extenuating or aggravating circumstances. In the event that the supervisor, Department Head, or Human Resources Director is unavailable to participate in the grievance process, his or her designee may act in his or her behalf.

## LEAVING CITY EMPLOYMENT

### A. Separation/Exit Interview

The City requests the courtesy of a minimum two (2) week notice of resignation.

Full-time employees leaving the City service are encouraged to discuss their employment experience with a representative of the Human Resources Department. This "exit interview" is intended to provide the City with valuable, objective separating employee input.



B. Retirement

The City of Casper provides a retirement plan for full-time employees through the State of Wyoming Retirement System (WRS). Unless otherwise allowed by law, it is mandatory that all employees be enrolled in the plan. Sworn employees of the Police and Fire Departments participate in pension plans authorized by State Statute. The City of Casper participates in accordance with the requirements of the law. Employees contribute 5.57% of their wages to the plan, with deductions made from paychecks on each pay day. Except in the case of sworn Police and Fire, the City contributes an amount equal to 5.68% of the employee's wages towards retirement.

Employees who leave employment with the City have the option of leaving the funds in the plan until they fulfill the requirements of retirement, or withdrawing the money they have contributed, plus interest. The City's contributions are never refunded upon discharge, but rather stay in the system until the requirements for retirement have been fulfilled. Refunds take approximately two (2) months to process by the Retirement System.

Disability retirement and survivor benefits are provided with certain length of service requirements. The WRS Handbook, available in Human Resources, will provide additional information.

In addition to the Wyoming State Retirement System, designated employees participate in the Federal Insurance Contribution Act (Social Security), and the City of Casper shall participate in accordance with existing legislative requirements.

All employees are eligible to join the International City Management Association Retirement Corporation to provide a tax-deferred retirement account.

C. Reduction in Force/Recall

The City Manager may reduce the work force of a department or class of positions due to lack of work, lack of funds, or to increase operating efficiency. This reduction in force, if necessary, will be fair, equitable, and in the best interests of the City.

LEAVES OF ABSENCE

A. With Pay

Leaves of absence, with pay, may be ordered or granted by the City Manager or his/her designee for justifiable purposes which may be in the best interests of the City.

B. Without Pay

Leaves of absence, without pay and other benefits, may be ordered or granted to an employee by the City Manager for justifiable purposes which may be in the best interests of the City.

1. Request Procedures - Employees requesting an unpaid leave of absence of more than one (1) pay period must submit an "Leave of Absence Request Form", available through Human Resources. The request will be submitted prior to any absence without pay. Vacation, disability leave (as appropriate), and compensatory time will, as appropriate, be exhausted at the time an unpaid leave begins. Requests for leaves of absence without pay must be approved by the Department Head or his/her designee and the City Manager. The form will require the reasons for the absence and the specific date of return to work. This date may be changed with approval of the Department Head or his/her designee and City Manager.

Employees on leaves without pay are not eligible for holiday pay.

2. Types of Leave

- a. Family Medical Leave of Absence (outlined in detail on pages 26 - 29)
- b. Education Leave of Absence

Education leave for an attendance period (semester, quarter, etc.) may be granted by the City Manager, where such education would be directly related to the employee's position with the City of Casper and, consequently, would be in the City's best interests.

- c. City Manager May Grant Other Leaves of Absence

The City Manager may grant leave without pay, and with or without benefits, for other reasons, which, in his/her judgment, would be in the best interests of the City of Casper and the employee.

3. Benefits

Benefits associated with unpaid leaves of absence are outlined on the following grid.

UNPAID LEAVE OF ABSENCE BENEFITS					
	Length of Service Continues to Accrue	Disability and Vacation Hours Continue to Accrue	City Continues to Pay City Portion of Health Insurance Premium	City Continues to Pay Short & Long- Term Disability Premium	City Continues to Pay Life Insurance Premium
Education Leave	N	N	N	N	N
Military Leaves:					
Duty in excess of 15 days annually	Y	Y	Y	Y	Y
Duty less than 15 days annually	Y	Y	Y	Y	Y
Disability Leaves:					
Short-Term	N	N	Y	Y	Y
Long-Term	N	N	N	N	N
Family Medical Leave	Y	Y	Y	Y	Y

C. Bereavement Leave of Absence

All full-time employees, upon completion of six (6) months of continual employment, will be granted time off, not to exceed twenty-four (24) hours per instance of death in the employee's immediate family. These twenty-four (24) hours must be taken within a consecutive three (3) work-day period. In extraordinary circumstances, up to five (5) days of disability leave per year may also be allowed, with Department Head or his/her designee, approval. Immediate family includes parent, grandparent, brother, sister, child, grandchild, or spouse, and equivalent relationships by marriage.

Hours taken as bereavement leave will not count as hours worked for the purpose of calculating overtime.

D. Military Leave of Absence

The City of Casper supports employee participation in the United States Armed Forces. It has done so by enacting rules and regulations consistently more advantageous for the employee than federal and state requirements.

1. A Military Leave of Absence will be extended to any City of Casper employee who:
  - a. Is inducted (drafted) into military service.
  - b. Voluntarily enlists for active military service.
  - c. Is a member of the National Guard or U.S. Military Reserve and is called to military service.

2. Annual service of fifteen (15) days or less (**Paid Leave**)

Any employee of the City of Casper who is a member of the National Guard or United States Military Forces reserve shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar year to attend duly authorized encampments, training cruises and similar training programs, in addition to any other leave or vacation time to which the employee is otherwise entitled.

3. Annual service of more than fifteen (15) days duration (**Unpaid Leave**)

Any employee of the City of Casper who is a member of the National Guard, Reserve Forces or any other component of the United States Military Forces or who is inducted into the military service of the United States, is entitled to a military leave of absence without loss of seniority, status, vacation, disability leave, or other benefits while engaged in active military training or service ordered or authorized by proper authority pursuant to law exceeding fifteen (15) days in any calendar year. This leave is in addition to any other military leave or vacation to which the employee may be entitled by law if the required military service is satisfactorily performed, which is presumed unless the contrary is established.

- a. When an employee utilizes an unpaid leave, and their military base pay for this time is less than their City base pay for the same time frame, the City will compensate the employee for the difference. If the military base pay is greater than the base pay the

employee would have received from the City for the same time period, the employee shall keep the difference.

4. Vacation/Disability Leave/Length of Service

A military leave of absence will be in addition to any other leave or vacation time to which the employee is entitled. Length of service will continue to accrue during a military leave of absence. Vacation and disability leave will continue to accrue, subject to the City's Rules & Regulations, or any amendments there to, while the employee is on military leave.

5. Health and Life Insurance Benefits

The City of Casper will continue to pay its portion of the employee's health and life insurance premiums while the employee is on a paid military leave.

When an employee is placed on an unpaid military leave, the employee has the option to continue their participation in the City of Casper health and life insurance plans. Employees on unpaid military leave will be required to continue paying the employee portion of the monthly premium for health and life insurance coverage.

Military personnel returning from Active Duty will be reinstated under our health insurance plan with no initial "waiting period" or exclusion for preexisting conditions. Coverage will begin upon notification to resume City employment, assuming that he or she is at that time ready to return to work. This ensures that our returning service people are covered in the event that the City cannot provide them with a position immediately. Coverage will initially be based upon the status (i.e. single or family coverage) in effect at the time the employee was placed on military leave. It should be noted that our plan will not cover services or supplies required as the result of disease or injuries due to war or acts of aggression, as determined by the Secretary of Veterans Affairs.

6. Retirement

The City of Casper, and employees placed on military leave, will continue participation in the Wyoming Retirement System (WRS) based upon the requirements and policy set by the WRS.

7. Notice of Leave

Notice of military leave and orders must be given to the employee's immediate supervisor as soon as they are available to the employee. Providing advanced notice (either written or verbal) is a requirement that may effect reemployment eligibility. The supervisor will forward this notice and a completed City of Casper status form to the Department Head or his/her designee, who will route it to the Human Resources Department for processing.

When the employee is ready to return to work, the immediate supervisor will forward a completed City of Casper status form to the Department Head or his/her designee and then on to the Human Resources Department.

8. Active Duty Job Provisions

The City of Casper will provide a job for an employee returning from Active Duty for up to four (4) years from his or her date of activation, unless the period beyond four (4) years (up to an additional year) is at the request and/or convenience of the federal government. Said job shall not be available if he or she receives a dishonorable discharge. A copy of the discharge orders shall be required. If an employee can no longer be placed in the position he or she vacated, a position may be found in an equivalent salary range. If in the employee's vacated position, promotions are given automatically due to tenure, then an employee on military leave will receive the applicable promotion upon his or her return. If in the employee's vacated position promotions are based upon merit, then an employee on military leave of absence is not entitled to an automatic advancement upon his or her return.

9. Employees returning from an unpaid military leave must notify the City of Casper in accordance with the Uniformed Services Employment And Reemployment Rights Act of 1994, as it may, from time to time be amended (copy available in the Human Resources Department). This is to inform the City that the unpaid military leave has been completed, and the returning employee is ready to resume a position with the City of Casper. Once reapplication has been made, the employee must be ready, willing, and able to report for work, at the date and time set by the City.

10. To the extent that Federal law or State statutes grant employees other or greater rights, such rights shall be recognized by the City.

If a supervisor perceives an employee's military leaves to be excessive, he or she should discuss the situation with the employee. If this does not yield satisfactory results, the supervisor should contact Human Resources who will interface with the military unit commander.

E. Family Medical Leave of Absence

Definitions:

Eligible employees are City employees employed for at least twelve (12) consecutive months, with at least 1250 hours of service during those twelve (12) months.

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care at a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

Health care provider is defined as a doctor of medicine or osteopathy who is authorized to practice medicine or surgery in the State of Wyoming, or state of residence of the afflicted family member(s).

Leave Benefits:

The Act provides an employee twelve (12) work weeks of leave during a twelve (12) month period. The twelve (12) month period begins on the date an employee's first FMLA leave begins.

(Any combination of paid and unpaid leave shall not exceed a maximum absence of twelve (12) weeks.)

- 1) because of the birth of a child and in order to care for the child
- 2) because of placement of a child with the employee for adoption or foster care
- 3) in order to care for a spouse, child, or parent with a serious health condition
- 4) because of a serious health condition that makes the employee unable to perform the functions of the employee's position

Leave under options 1 and 2 shall not be taken intermittently unless so agreed to by the City and employee. Leave under options 3 and 4 may be taken intermittently when medically necessary. Under these circumstances, the City may require such employee to temporarily transfer to an available alternate position for which the employee is qualified. This alternate position must have equivalent pay and benefits and better accommodate recurring periods of leave.

#### Paid Leave Impacts:

If an employee has fewer than twelve (12) weeks of vacation, comp time, or disability leave for any of the above conditions, unpaid leave will be provided for the additional time necessary to attain twelve (12) work weeks of leave. Any combination of paid and unpaid leave shall not exceed a maximum absence of twelve (12) weeks.

An employee is required to deplete disability leave, vacation, and comp time banks prior to being granted unpaid leave.

When unpaid leave is granted, the employee may be eligible to apply for short-term disability. For more information on short-term disability insurance, refer to short-term/long-term disability insurance, pages 50-51.

#### Foreseeable Leave:

If any case where the necessity for leave is foreseeable, the employee shall provide the City with not less than thirty (30) days notice. Where planned medical treatment is involved, the employee shall make every effort to schedule the treatment so as not to unduly disrupt City operations.

Employees who are unable to perform the essential functions of their job and are on disability leave for more than two consecutive weeks shall be placed on Family Medical Leave. It is the responsibility of the City employee to notify their department payroll clerk, Risk Manager, and Human Resources Director if they will be on disability leave for more than two consecutive weeks.

#### Spouses Both Employed by The City:

In the instance where spouses are both employed by the City, the aggregate number of work weeks of leave to which both may be entitled may be limited to twelve (12) work weeks during any twelve (12) month period.

### Certification of Illness:

The City will require certification of illness and/or injury issued by the health care provider of the eligible employee, child, spouse, or parent of that employee. This certification shall list the date on which the health condition commenced, probable duration, appropriate medical facts, and a statement that the eligible employee is needed to care for the child, spouse, or parent. If the leave is for an employee's illness or injury, the certification shall state that the employee is unable to perform the functions of the position. Certification for intermittent leave shall reflect the schedule for planned medical treatment and its duration. The City has the right to request a second opinion at the City's expense, if there is reason to doubt the validity of the original certification. If the opinions conflict, a binding third opinion may be required.

Certification shall be held in the strictest confidence and shall be provided to an employee's Department Head or his/her designee. This certification will then be forwarded to the Human Resources Department where it will be filed separately from the employee's personnel file.

### Return From Leave:

Upon return from leave, an employee may resume his or her job, consistent with pertinent law and depending upon his/her ability to perform the essential functions of the job, with or without reasonable accommodation.

The employee shall provide a doctor's release to return to work to the employee's supervisor and the Risk Manager. If an employee must be absent from the job because he/she has an illness, injury, medical necessity, or legal disability, the employee is encouraged to return to work as soon as possible, and in some circumstances may be assigned to temporary transitional duty, if available. Therefore, at the outset, temporary transitional duty assignments will be scheduled to last for a specified period of time. For information regarding a disability due to a work-related injury, refer to WORKERS' COMPENSATION PROCEDURES, pages 33-36.

When an employee has exhausted their twelve (12) work weeks of Family Medical Leave, the Human Resources Department will contact the employee to discuss the employee's ability to perform the essential functions of his/her position with or without reasonable accommodation. If, in the City's determination, the employee is not able to perform those functions, a recommendation for termination from their current position will be made to the City Manager.

### Benefits:

Taking a leave shall not result in the loss of benefits accrued prior to the date on which the leave commenced. An employee on leave is not eligible to collect unemployment benefits.

Health insurance coverage shall be maintained for any employee on leave. The City will continue to pay the City's portion of the health insurance premium. If an employee fails to return to work, the City may recover the City's portion of the premium paid for maintaining health coverage. Insurance premiums are not recoverable from the employee, however, if he or she does not return to work due to:

1. The continuation, recurrence, or onset of a serious health condition
2. Other circumstances beyond the control of the employee

### Procedure for leave application:



An employee who qualifies for and desires a leave of absence under the Family Medical Leave Act (FMLA), shall complete a "FMLA Leave Form", available through the Human Resources Department.

F. Disability Leave

The City grants disability leave to full-time employees for use in the following circumstances:

- Illness or injury.
- Medical and dental appointments and appointments under the Family and Employee Assistance Program.
- Illness or injury in the employee's immediate family necessitating the employee's attendance, not to exceed forty (40) hours annually, unless the illness qualifies under the Family Medical Leave Act, referenced on pages 26 - 29. This provision requires the supervisor's approval and proper advance notice is required when possible.
- In addition to Bereavement Leave of Absence for a death in an employee's immediate family, not to exceed forty (40) hours annually. This provision requires the Department Head's approval and proper advance notice is required when possible.

Requests to use disability leave for any reason other than those cited above will not be approved. An employee must request approval for use of disability time by contacting his/her supervisor on the first day of absence, or as soon thereafter as possible. Some divisions require that an employee contact his/her supervisor by a specific time in order to allow for proper coverage; employees should check with their supervisor regarding a division policy to this effect.

Disability leave accrues at the rate of one (1) working day for each month of service. Accumulation of disability leave is limited to two hundred (200) hours except as provided by "grandfather" provisions. Disability leave accrual begins on the date of employment and is available to the employee.

1. Verification of Disability

Misuse

Misuse of disability leave, which may be indicated by frequency of leave taken and/or patterns of absence during a year, will result in the supervisor requesting documentation of the employee's cause of absence and certification of the employee's ability to return to work.

When the supervisor perceives misuse, he/she may use the following steps as a guide for action:

- a. Discuss the perceived misuse of disability leave with the employee; and/or, if applicable, outline the misuse and what the employee needs to change.

- b. If the situation is not corrected, the supervisor will provide written documentation to the employee, with a copy sent to the Department Head, outlining the requirement for medical verification for future disability leave. This requirement for verification should be in effect for a period of time specified by the supervisor and communicated to the employee.
2. Disability Leave Exclusions - No employee will receive disability leave while on vacation unless it persists for three (3) days and is verified by a doctor. If an employee becomes disabled while on vacation and is unable to return to work at the end of the vacation, disability leave will begin on the first regularly scheduled work day following the conclusion of the vacation period. It is the employee's responsibility to advise the Department Head or his/her designee of the disability prior to extending the absence.
3. Excess Accrual and Conversion - Employees with disability leave balances of two hundred (200) hours or greater shall accrue at the rate of 1.85 hours per pay period (forty-eight (48) hours per year). This accrual may be converted to vacation time or the salary equivalent in December. Excess accrual not converted shall be forfeited.
4. Disability Surplus - Employees with disability leave balances in excess of two hundred (200) hours prior to the institution of the two hundred (200) hour cap regulation in 1985 have been "grandfathered", resulting in banks of disability leave referred to as "disability surplus". Disability surplus can be used only after normal disability leave accrual and excess disability have been used. In January 2002, the City implemented a new payroll software system creating the ability to track only one disability leave balance. Therefore, employees with a "grandfathered" disability surplus balance as of March 31, 2002, had those hours removed from the disability accrual and balance rosters. Employees who had disability surplus hours removed received documentation of the number of hours removed, along with an explanation of future availability/access of those hours. Documentation was placed in the employee's personnel file.
5. Retirement - Employees who wish to retire may submit a written request to their Department Head or his/her designee one (1) year in advance of their retirement to instruct Human Resources ***in writing*** to begin to convert their disability leave for the upcoming year to vacation time.

Employees who have elected the disability conversion are allowed a ninety (90) calendar day 'grace period', forty-five (45) days prior to their stated retirement date and forty-five (45) days after the stated date, during which they may retire and maintain the converted vacation hours. If the employee does not meet his/her commitment and retires outside of this ninety (90) calendar day grace period, disability leave hours accrued following submission of the retirement notification letter will be maintained as disability leave and will not be converted to vacation.

Upon retirement, disability leave banks will be paid according to the following equation:

Disability Leave:	50% of all hours in this bank
Disability Excess:	100% of all hours in this bank (Time in the disability excess bank was accrued at 50% of the normal accrual rate)
Surplus Disability:	50% of all hours in this bank

Total disability leave pay off at retirement cannot exceed six (6) pay periods, or four hundred eighty (480) hours.

Upon the death of an employee, the salary equivalent of one-half (1/2) of the employee's accrued disability leave shall be distributed to the employee's estate, or other person authorized by law.

Employee Options for Depleted Disability Leave - The City is sympathetic to situations where an employee has depleted his or her disability leave, usually due to an extended illness or lengthy recovery time from surgery, yet is still undergoing medical treatment that forces him or her to miss work. The following two policies have been adopted by the City to aid in such a situation.

6. Borrowing on Future Disability Leave - If an employee has used all of his or her disability leave and incurs a major illness or requires major surgery, this employee will be allowed to take an advance on future disability leave at the rate of one (1) day per each year of service with the City. The employee must sign a document agreeing to "reimburse" this time as disability leave accumulates each pay period, and in the event the employee leaves the City, he or she agrees to reimburse the City in cash for any negative balance of remaining disability leave.
7. Donating Leave to Another Employee - City employees may voluntarily donate accrued leave hours to aid another employee who has depleted his or her leave banks and is still missing work due to extended illness or recovery from surgery. Any employee wishing to receive donated leave time shall first use all accrued vacation, disability, and comp time prior to qualifying for use of donated time. Hours may be donated only to directly replace time missed by the ill employee; donated hours may not be used to build a new "bank" of disability leave for the ill employee. Donated time will not be adjusted to reflect individual salaries; the donation will be, for example, a straight eight (8) hours, regardless of the donor or ill employee's salary.

Interested employees may donate hours using the following procedure:

- a. Requesting employee picks up a form from Human Resources, fills it out, and returns it to Human Resources.
- b. Human Resources determines if the request is appropriate:
  - \* confirms that the request is due to an "extended illness or recovery from surgery" per the rules and regulations

- \* checks the ill employee's disability/vacation and comp time balances to have a rough idea of how much time is needed to bridge to short-term disability benefits
- c. Human Resources contacts the ill employee (assuming a co-worker or supervisor initiated the paperwork on the ill employee's behalf) and states that another employee has requested donation on the ill employee's behalf. Does the employee agree to have this donation request circulated?
- d. If the ill employee agrees, then Human Resources distributes the donation form. Human Resources will use its judgement for distribution based upon the number of hours needed (i.e., if only a few hours a week are needed, Human Resources may distribute the donation request only to the employee's division and/or department).
- e. Employees receiving supplemental income from insurance (short/long term disability) should only be allowed to utilize enough donated benefit time to bring their income back to 100% of pre-illness/injury income.
- f. Employees separating from service with the City will not be allowed to donate any of their unused disability hours. This includes donations during the ninety (90) day grace period for retiring employees mentioned in Section "5" of this regulation.

#### G. Americans with Disabilities Act

Inquiries regarding a disability or request for information on the Americans with Disabilities Act should be directed to either the Risk Manager, who serves as the ADA Coordinator, or the Human Resources Department.

#### H. Workers' Compensation

Eligible employees injured while in the performance of their assigned responsibilities may receive benefits as provided by the Workers' Compensation Act. It is the responsibility of the injured employee to file for all Workers' Compensation benefits through the City's Risk Management office. Failure to report an accident to the City's Risk Management office within seventy-two (72) hours, and/or to Workers' Compensation within ten (10) days, may result in a denial of benefits. Disability leave benefits may be used to supplement lost wage benefits from Workers' Compensation to a maximum of the employee's regular salary.

Employees not covered by the Workers' Compensation act who are injured in the course of employment may be compensated for their medical expenses and lost time wages upon approval of the City Manager.

#### PROCEDURES

1. Employees report on-the-job injuries immediately to their supervisor or the assigned field supervisor, subsequently referred to as "supervisor."

2. The supervisor immediately notifies the City's Risk Management staff and instructs the employee to complete the City Of Casper Employee Injury Report. The supervisor completes the investigation section of the injury report.
3. The supervisor forwards the Employee Injury Report to the Risk Management office within two (2) days of the injury date.
4. The supervisor directs the employee to immediately file a Workers' Compensation Employee Injury Report through the City's Risk Management office. If provided a Workers' Compensation Employee Injury Report at the emergency room, a copy must be supplied to the City's Risk Management staff within 24 hours of the injury. If the employee is physically unable to complete a Workers' Compensation Employee Injury Report, the employee may have the City's Risk Management staff complete and file the report in his/her behalf.
5. City employees shall receive medical attention from Wyoming Medical Center's Occupational Health Management (OHM) when the injury is not life threatening. City employees shall only receive medical attention from the Emergency Room (ER) of the Wyoming Medical Center if the injury is life threatening, after hours for OHM, or OHM refers care to the ER.
6. If an employee will miss more than three (3) days of work due to a work-related illness or injury, he/she are required to contact Risk Management and their payroll clerk immediately. Risk Management will assist the employee in their application for Workers' Compensation temporary wage benefits, which covers seventy percent (70%) wages up to the state's maximum (changes quarterly). A physician verification of illness/injury and, if known, length of leave, must be submitted to the Risk Management office. The employee has the option of using, or not using, disability leave, and when depleted, comp time and vacation, to prevent interruption of income while receiving Workers' Compensation temporary wage benefits. In no instance, should employees receive more than one hundred percent (100%) of their regular salary through a combination of Workers' Compensation, disability leave, comp time and vacation. The employee is required to choose one of the following options when they will miss more than three (3) days of work:
  - a. An employee may choose to use 100% disability leave, and when depleted, vacation/comp time, to prevent interruption of income Until Workers' Compensation benefits are received. If this option is chosen, the "Agreement To Buy Back Disability Hours Used To Cover Payroll During Injury Leave" form must be completed. Form available through the Human Resources Department.

When the employee receives their Workers' Compensation check, they will be allowed to purchase back some of the leave they used by endorsing their Workers' Compensation check over to the City. The department payroll clerk will use the "City Of Casper Disability Leave Buy Back Worksheet Applicable Only For Workers' Compensation Injury Cases," available in Human Resources, to determine the number of hours of disability/vacation leave that need to be reinstated. The department payroll clerk will provide the Workers' Compensation check to Finance and the worksheet with the number of disability hours that need to be reinstated to the employee's disability leave bank.

- b. An employee may choose to only receive the Workers' Compensation temporary wage payment and not receive a City check. If this option is chosen, the employee shall notify the department payroll clerk and check on the status of keeping their health and life insurance benefits active during this time away from work.
  - c. An employee may choose to use disability leave, and when depleted, vacation to make up the difference of loss of income during this time away from work. The department payroll clerk will use the "Payroll Guidelines For Injury Leave," available in Human Resources, to determine the number of hours of disability/vacation leave to record on the timesheet.
- 7. If an employee will miss more than two (2) consecutive weeks of work as prescribed by a physician, the employee will be placed on Family Medical Leave and benefit accrual shall continue as noted in the grid on page 22 of this manual. For more information about Family Medical Leave, refer to FAMILY MEDICAL LEAVE, pages 26-29.
- 8. Employees are allowed four (4) hours per week of regular pay to attend physician's appointments or physician prescribed physical therapy or work hardening, this only applies to employees who are actively working on transitional or full duty assignments.
- 9. Payroll clerks shall contact Human Resources to verify the disability/vacation accrual rates to determine the number of hours available.
- 10. The City will continue to pay the City's portion of the health and dental insurance benefit as noted in grid on page 22 of this manual. The employee is responsible for his/her portion of the health and dental insurance premium, which will be at the same rate that they paid, or would pay, as an active employee.
- 11. Employees must comply with the City's Risk Management office work-related injury rules and procedures, available through the Human Resources Department.
- 12. If an employee becomes unable to perform the essential functions of the job, he or she shall not return to the job without providing a physician's release to the supervisor and the Risk Manager. Employees who must be absent from the job as a result of a work-related injury and a physician's release from work are encouraged to return to work as soon as possible, and in most circumstances may be assigned to temporary transitional duty, if available. However, even if available, temporary transitional duty assignments are, by definition, designed to last only for a limited period of time. Therefore, at the outset, temporary transitional duty assignments will be scheduled to last for a specified period of time, and such assignments will only be extended as the law and best interests of the City require.
- 13. Employees who are receiving monthly Workers' Compensation benefits may be eligible to apply for short/long term disability when:
  - a. They have depleted their bank of disability leave and;

- b. They are no longer eligible to receive temporary total disability benefits.
- c. They can no longer perform the essential functions of their job and acquire a job at a lower rate of compensation.

Having met the above criteria, an employee may choose when and if to apply for short/long term disability insurance. Employees should contact Human Resources for additional information and application criteria. Human Resources will coordinate the short/long term disability application process.

Employees must follow these procedures to be eligible for their Workers' Compensation and insurance benefits.

I. Suspension of Leave

Any leaves or holidays provided for in these rules may be suspended during any period of emergency declared by the City Council or the City Manager.

J. Natural Disasters/Inclement Weather

With the exception of Police And Fire Department employees, and their respective offices and services, the City Manager has the authority to suspend City services and excuse employees from reporting to work in instances of natural disaster/inclement weather.

Unexcused time as a result of natural disasters/inclement weather must be compensated with accrued vacation, or compensatory time, or otherwise shall be docked as unpaid leave.

EMPLOYEE REFERENCE POLICY

Our City policy regarding providing references for former employees is as follows. All requests for references, written or verbal, should be forwarded to the Human Resources Department. Human Resources will give out the following information:

- 1. The title of the last position held by the employee.
- 2. The dates the employee was employed by the City.

If Human Resources receives an original written request for information that contains an original, notarized release signed by the former employee, the above information will be given with a copy of the former employee's last two (2) performance evaluations.

In reference to "letters of recommendation", a distinction needs to be made between personal recommendations and those perceived to speak on behalf of the City. In keeping with our policy, no letters of recommendation are to be written for an employee or co-worker utilizing City letterhead or which give the appearance that they are being provided by the City or actually written within the course of his or her employment with the City or in a representative capacity for the City. However, employees as a matter of constitutional right may choose as individuals to write personal letters of recommendation.

## EMPLOYMENT OF RELATIVES

Immediate family members of City employees may be employed by the City of Casper, though they cannot report to the same supervisor. Exceptions to this policy may be granted by the City Manager.

## HARASSMENT

It is an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his or her compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, sexual orientation, or national origin.

## POLICY

The City of Casper is committed to offering employment opportunity based on ability, merit and performance, and in a productive environment, free of discrimination and harassment. Harassment in any form by supervisors, Department Heads and/or co-workers will not be tolerated. This policy applies to all City of Casper employees.

The City of Casper will not tolerate any form of harassment or discrimination from outside contractors, the general public, or any other individuals coming in contact with the City's employees while engaged in the scope of their employment.

1. Defining harassment - In general, slurs and other verbal or physical conduct relating to a person's race, color, age, medical condition, protected disabilities, ancestry, religion, sex, national origin, or marital status constitute harassment when they interfere with the person's work performance or create an intimidating work environment.
2. Retaliation against anyone who complains of harassing behavior or who participates in a harassment investigation will not be tolerated, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).
3. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).

## SEXUAL HARASSMENT

1. Defining sexual harassment - Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000E(a)(1). The Equal Employment Opportunity Commission (EEOC) has adopted the following definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.



## PROCEDURE

The City of Casper will not tolerate any form of harassment and will exercise reasonable care to promptly prevent and correct any sexually harassing behavior. However, the offensive behavior must first be brought to the attention of the employee's supervisor or those parties listed below in Subsection 1.A. The employee subject to the unwelcome harassing behavior must take advantage of the preventive or corrective opportunities provided by the City of Casper in an effort to stop the harassing behavior.

In order for sexual harassment to be actionable, the behavior must be unwelcome.

1. Any employee who has been subjected to sexual harassment must immediately report the behavior to one of the persons below with whom the employee feels the most comfortable.
  - A. Complaints may be made orally or in writing to:
    - (1) The employee's immediate supervisor, or
    - (2) The employee's Department Head, or
    - (3) The Human Resources Director, or;
    - (4) The City Manager
  - B. Employees have the right to ignore the normal chain of command in selecting which person to whom to make a complaint.
2. All complaints will be thoroughly investigated and will be treated with the utmost confidence consistent with resolution of the problem. If the allegations are found to be true following an investigation, appropriate corrective and/or disciplinary action will be taken, up to and including the discharge of offending employees.
3. Retaliation against anyone who complains of sexual harassment or who participates in a sexual harassment investigation will not be tolerated, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).
4. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action may be initiated, up to and including the discharge of the offending employee(s).

## WORKPLACE VIOLENCE

Defining workplace violence – Workplace violence is when a person commits any crime of physical violence against, or otherwise threatens, intimidates, or attempts to coerce an employee in a violent manner in or at the workplace.

## PROCEDURE

The City of Casper will exercise reasonable care to promptly prevent or correct workplace violence occurring in or at the workplace. However, the offensive behavior must first be brought to the attention of the employee's supervisor or those parties listed below in Subsection 1.A. The employee subject to the unwelcome behavior must take advantage of the preventive or corrective opportunities provided by the City of Casper in an effort to stop the threatening behavior.

1. Any employee who has been subjected to threatening behavior must immediately report the behavior to one of the persons below with whom the employee feels the most comfortable.
  - A. Complaints may be made orally or in writing to:
    - The employee's immediate supervisor, or
    - The employee's Department Head, or
    - The Human Resources Director, or;
    - The City Manager
  - B. Employees have the right to ignore the normal chain of command in selecting which person to whom to make a complaint.
2. All complaints will be thoroughly investigated and will be treated with the utmost confidence consistent with resolution of the problem. If the allegations are found to be true, appropriate corrective and/or disciplinary action will be taken, which may include the discharge of the offending employee or employees, as well as a recommendation for criminal prosecution of the individual or individuals responsible.
3. If evidence of false reporting is found during an investigation, appropriate corrective and/or disciplinary action will be taken, up to and including the discharge of offending employee(s).
4. Retaliation against anyone who complains of workplace violence or who participates in a workplace violence investigation will not be tolerated, and appropriate corrective and/or disciplinary action will be taken, which may include the discharge of the retaliator(s).

## POLICE AND FIRE DEPARTMENT EMPLOYEES

1. All Police and Fire Department Employees, sworn and unsworn, are subject to the same sexual harassment and workplace violence policies as all other City of Casper employees.

## DRUG AND ALCOHOL POLICY

### 1. PURPOSE

In compliance with the Drug-free Workplace Act of 1988 and in recognition of the City's compelling interest in providing a work environment that is safe, healthy, and productive for employees and the public, the following policy has been adopted:

- A. Employees are advised that manufacturing, distributing, dispensing, possessing, or using illegal controlled substances, including alcohol, on the job is prohibited; and there are job-related penalties for violations.
- B. The City has established a drug-free awareness program.
- C. Employees must abide by the terms of the City's Drug-Free Workplace Policy. If convicted of a violation of a criminal drug or alcohol law, employees shall notify their Department Head or his/her designee no later than five (5) calendar days after such conviction.
  - b. The City shall take sanctions against, or require satisfactory completion in a drug and/or alcohol abuse assistance or rehabilitation program, by any employee who violates this policy.
  - c. A positive drug and/or alcohol test by a City of Casper employee is considered just cause for termination of employment. If at any time an employee produces a positive drug and/or alcohol test, their future employment shall be dependent upon compliance with the terms and conditions of this drug and alcohol policy.

In addition, the Omnibus Transportation Employee Testing Act of 1991 and related Federal regulations require that the City maintain a policy that applies to all City employees who are required by their job function, job description and/or The United States Department of Transportation (DOT) to maintain a Commercial-Driver's License (CDL). A copy of the Drug and Alcohol Policy for City employees who are required under DOT regulations to be drug and alcohol tested is available under separate cover from the Human Resources Department. In the case where employees fall under DOT drug and alcohol testing regulations, both that policy and the City's Drug and Alcohol Policy described here apply. Any conflict between the two policies shall be resolved in the absolute discretion of the City.

The Casper Fire Department (CFD) management and the Local No. 904 IAFF Union negotiated a separate drug and alcohol policy for employees within the CFD. Therefore, the policy described herein does not apply to CFD employees.

## 2. DEFINITIONS

Controlled substance – means a controlled substance in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. § 812) and as further defined in Regulation 21 CFR 1308.11-1308.15.

Illegal drugs – means any drug or controlled substance, the possession or use of which is unlawful, pursuant to any federal, state, or local laws or regulations.

Under the influence – the use or misuse of any drug or controlled substance, or alcohol that results in a positive drug/alcohol test as defined in the Section 3, C.

### 3. GENERAL GUIDELINES

The following procedures apply to all City employees while on duty:

#### A. Prohibited Activity – Drugs

1. No employee shall illegally possess any controlled substance.
2. No employee shall ingest, inject or inhale any illegal, controlled substance, unless as prescribed by a licensed medical practitioner.
  - a. Employees shall consult with their physician to determine if a prescribed medication may impair their job performance. If the employee's physician informs the employee that the prescribed medication may impair the employee's job performance, the employee shall not report to work. It is the employee's responsibility to notify their immediate supervisor if the employee does not report to work because the use of a prescription medicine may impair their job performance. In addition, it is the employee's responsibility to consult with his or her doctor regarding the nature of his or her duties and the interaction with the prescribed drug. If the employee's physician informs the employee that he/she may perform some of his/her duties without impairment, the employee shall advise the supervisor of the known side effects of the medication, the prescribed period of use, and the job duties the physician believes he/she can perform without impairment. The prescribed medicine shall be taken according to the physician's instructions. The employee is not required to disclose either the condition that the medication is prescribed for or the name of the medication.
  - b. All employees shall notify their supervisor immediately if they, while on duty, ingest, inhale, etc., a controlled substance.
3. No employee shall ingest or inhale any prescribed medication in amounts beyond the recommended dosage, unless authorized by the physician.
4. No supervisor having actual knowledge of an employee possessing an illegal drug on City premises or in a City vehicle may permit the employee to remain on duty. This requirement does not apply to authorized Police personnel handling illegal drugs in the lawful performance of their duties.

#### B. Prohibited Activity - Alcohol

1. All employees are prohibited from possessing alcohol while on duty with the exception of medications containing alcohol. This section does not apply to employees handling alcohol-containing products in the performance of their duties.
2. No employee shall report for duty or remain on duty while having greater than 0.02% blood-alcohol concentration.

3. No supervisor having actual knowledge of an employee possessing alcohol in a City building or in a City vehicle in violation of this policy may permit the employee to remain on duty. This requirement does not apply to authorized Police personnel handling alcohol in the lawful performance of their duties.

C. Positive Tests

1. A positive alcohol test is a test where the result is above 0.02% blood alcohol content.
2. Concentrations of an illegal drug at or above the standards set forth in 49 CFR Part 40 in the field of illegal drug testing shall be considered as a positive test, both for initial screening and confirmation. Confirmation shall be by test on a urine specimen that tested positive, on the initial screen, using a technologically different method from the initial screening method, such as gas chromatography/mass spectrometry.

D. Rapid Eye Check™

The Rapid Eye Check™ includes the following five short tests of an employee's eye to determine if there is reasonable cause to believe if an individual is under the influence of drugs/alcohol:

Check 1 – general observation of the eye

Check 2 – observation of the pupil size

Check 3 – observation of the pupil's reaction to light

Check 4 – observation of how the eye focuses and tracks [called the nystagmus tests]

Check 5 – observation of eye's muscle control ability [called the convergence test]

The Rapid Eye Check™ is a tool that may be considered in determining reasonable suspicion. The following guidelines shall be used when using the Rapid Eye Check™.

1. The employee's supervisor will request the Rapid Eye Check™ when he/she believes there are specific, articulable, and objective facts from which it is reasonable to infer that further investigation of an employee's behavior is warranted. The employee's supervisor will refer to Section 4, Testing, Subsection B. "Reasonable suspicion testing of this policy."
2. Supervisors shall reasonably detail, in writing, the specific facts, symptoms, and/or observations, as well as any corroboration, which formed the basis for their determination for requesting a Rapid Eye Check™. This documentation of facts shall be on the Rapid Eye Check™ Incident Report Form, available through Human Resources. In addition, the Rapid Eye Check™ Incident Report Form shall be forwarded to the Human Resources Director.
3. The Human Resources Director, Human Resources Analyst, Risk Manager, Safety Technician, and designated department employee(s) shall be certified to perform the tests and will perform the Rapid Eye Check™. However, an employee may request that the Rapid Eye Check™ be done by any one of the above certified-individuals enumerated in this paragraph in place of the designated department employee.

4. If an employee refuses to submit to, or fails two (2) of the five (5) eye checks of the Rapid Eye Check™, reasonable suspicion exists to request an employee to have a drug and/or alcohol test. The procedures included in the reasonable suspicion testing section of this policy shall be followed.

#### 4. TESTING

A breath and/or a urinalysis test under this policy shall be used in any of the following situations:

Pre-employment testing  
Reasonable suspicion testing  
Random testing

##### A. Pre-Employment Testing

After a conditional offer of employment and before an employee is hired, all City employment candidates shall be tested for controlled substances. The conditional offer shall be withdrawn if the test indicates a positive result or if the testing facility staff believe the sample was tampered with or altered.

##### B. Reasonable Suspicion Testing

"Reasonable suspicion" means a belief based on specific, articulable, (i.e., verbally expressed) and objective facts from which it is reasonable to infer that further investigation of an employee's behavior is warranted.

1. Matters and circumstances that may be considered in determining reasonable suspicion include:
  - a. Information concerning a prohibited activity;
  - b. The reliability of the information;
  - c. The degree of corroboration;
  - d. Other contributing factors;
  - e. Abnormal or erratic behavior by the employee;
  - f. Information concerning recent drug or alcohol use by the employee, provided by reliable and credible sources;
  - g. Direct observation of drug or alcohol use prior to the time of an accident/incident and/or situation;
  - h. Presence of observable symptoms consistent with drug or alcohol use; including but not limited to, glassy or bloodshot eyes, alcohol odor, slurred speech, poor coordination and/or reflexes;

- i. Involvement in an on-duty accident or incident. City employees who are involved in an on-duty accident or incident resulting in any of the following shall be subjected to drug and/or alcohol testing:
    - (1.) Loss of life;
    - (2.) Employee injury or injuries to others requiring medical treatment away from the place of the accident or incident. Provided however, this specific provision shall not apply to a sworn police officer who is the only individual injured;
    - (3.) Damage, estimated to be greater than or equal to \$1,000.00, to property or vehicles while operating a City vehicle;
    - (4.) Employee cited at the time of the accident/incident by a state or local law enforcement officer for a moving traffic violation; or
    - (5.) Any factor, from which it is reasonable to infer that further investigation of the accident or incident, or the employee's behavior, is warranted.
  - j. An employee's failure of two (2) of the five (5) Rapid Eye Checks™ described in this policy;
  - k. A positive test result under the Drug And Alcohol Policy for City employees who fall under dot regulations.
- 2. Supervisors shall reasonably detail, in writing, the specific facts, symptoms, and/or observations, as well as any corroboration, which formed the basis for their determination that reasonable suspicion existed. This documentation shall be on the backside of The "Consent To Test And Release of Information" form, available through Human Resources, or on a separate piece of paper attached to the consent form. In addition, this documentation is to be forwarded to the Department Head or his/her designee and the Human Resources Director.
  - 3. The facts and documentation underlying the determination of reasonable suspicion shall be disclosed to the employee at the time the demand for testing is made.
  - 4. An employee, pending a drug/alcohol test, shall be temporarily removed from his or her job duties pending an investigation, and shall be placed on unpaid administrative leave until the results of the drug/alcohol tests are received. The employee shall not be allowed to drive to or from the testing site, and the employee will be escorted to the testing facility and home by the supervisor, Department Head, and/or a Human Resources employee. Employees who are required to submit to drug and/or alcohol testing due to reasonable cause will not be allowed to drive City vehicles until they have been released to do so by the Medical Review Officer and/or the Human Resources Director.
  - 5. If an alcohol test is not administered within eight hours or if a required controlled substance test is not administered within thirty-two hours of the determination of its necessity, attempts to administer such test shall be abandoned and the reasons why the test was not administered shall be documented. Copies of this documentation shall be supplied to the Human Resources Director and maintained in a secure file.

C. Random Testing

Employees who fall under DOT regulations for CDL holders are subject to random testing. Casper Fire Department (CFD) employees are also subject to random testing as described in the CFD Drug And Alcohol Policy.

5. TESTING METHODOLOGY

- A. Employees shall sign a Consent Form, an attachment to this manual, allowing the breath and/or urine test to take place and permitting release of test results to the City and for the City's use in any and all employment disciplinary or termination actions or proceedings. Employees, who refuse to sign the Consent Form, to be tested, or to otherwise cooperate in the testing process, shall be deemed to have tested positive and a recommendation for termination of employment shall be made.
- B. Testing for drugs and alcohol and test sample verification shall be performed by certified personnel selected by the City. The test specimen for alcohol will consist of a breath sample. The test specimen for drugs shall be urine.
- C. Confirmation for a positive alcohol test shall be done by a second breath test. The employee may request, at their expense, a blood test as confirmation.
- D. Confirmation for a positive drug test shall be by testing the urine specimen that tested positive, on the initial screen, by using a technologically different method from the initial screening method, such as gas chromatography/mass spectrometry. All positive drug test results shall be reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the employer. "Medical Review Officer" means the individual responsible for receiving laboratory results, who is a licensed physician. If the testing laboratory reports a positive result to the MRO, the MRO shall contact the employee, in person or by telephone, and shall conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the MRO determines that there is a legitimate medical use of the prohibited drug, the drug test result shall be reported as negative to the employer. The City's chosen provider designates the MRO.
- E. Each test specimen for drug testing shall be subdivided into two bottles labeled as a "primary" and a "split" specimen. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of a controlled substance, the employee, at her/his expense, has 72 hours to request the split specimen be sent to another certified laboratory for analysis. The employee will be reimbursed if the confirmation shows a negative result. The MRO initiates this procedure.
- F. The City shall pay the cost of all tests, which it requires. If an employee is required to submit to an examination or test, or await test results (except for reasonable suspicion testing) the employee shall be paid his or her normal rate of pay during the testing and waiting period.
- G. In the event that an individual to be tested for drugs appears unable to provide a urine specimen at the time of the test, he or she shall be permitted no more than three (3) hours to



give a specimen, during which time the individual shall remain in the testing area, under observation. The individual shall be given no more than 40 ounces of water to drink over the course of the three hours. Whenever there is a reason to believe that a specimen may have been altered or a substitution made, a second specimen shall be immediately provided by the employee. The testing facility will provide documentation to the Human Resources Director explaining the reasons for a second specimen. Failure to submit a specimen shall be considered a refusal to submit to a drug and/or alcohol test unless a physician provides a documented medical reason. A refusal to submit to the drug/alcohol test shall be deemed to be a positive test and a recommendation for termination shall be made.

- H. The Human Resources Director or his/her designee shall be advised of the results of the drug and/or alcohol test by the Medical Review Officer.

## 6. SELF DISCLOSURE/EMPLOYEE ASSISTANCE

If an employee self-discloses a drug and/or alcohol problem to their Department Head and/or the Human Resources Director before being suspected of being under the influence of drugs or alcohol, or before being selected for a random test for drugs/alcohol pursuant to this policy, no disciplinary action will be taken against the employee for the act of self disclosure. Such an employee will be advised that he or she may access the Family Medical Leave Act (FMLA) policy to seek help from a substance abuse professional.

Any employee, who feels that he or she has developed a problem, addiction, or dependency on a drug, including alcohol, is encouraged to seek assistance. The Family and Employee Assistance Program (FEAP) is available to all employees, and their families, on a confidential basis, and information about FEAP may be obtained through the Human Resources Department.

## 7. CONSEQUENCES OF VIOLATION

### A. Consequences Of Violation For Employees Other Than Sworn Police Officers

Upon confirmation that an employee has violated this policy, an employee shall be referred to a substance abuse professional for the purpose of obtaining assessment, counseling, and/or rehabilitation. The employee's participation in and successful completion of the professional's prescribed program, or a similar program approved by the Human Resources Director is required and shall be a condition of continued employment.

Upon returning to work, the employee shall be required, at their expense, to submit to a minimum of six (6) unannounced drug and/or alcohol screenings for a period of twelve (12) months. These are in addition to the required participation in the random testing program for CDL holders.

Employees who return to work with random testing as a condition of employment will not be allowed another positive drug or alcohol test result. Any additional positive drug or alcohol test will result in a recommendation for termination of employment.

Any supervisor, who violates responsibilities identified in this policy, may be subject to disciplinary action, up to and including termination.

B. Consequences Of Violation For Sworn Police Officers

Termination of employment will be recommended for any sworn Police officer who tests positive for alcohol or a controlled substance pursuant to this policy.

8. HANDLING TEST RESULTS, RECORD RETENTION, AND CONFIDENTIALITY

- A. Testing results and rehabilitation records shall not be part of the personnel file, except as relating to disciplinary action. The Human Resources Director shall be responsible for these files. Any voluntary request by an employee for assistance with his/her own substance abuse problem shall remain confidential unless the employee unsuccessfully completes his/her rehabilitation program.
- B. The Human Resources Department Director or her/his designee shall maintain records of alcohol, controlled substance, and drug misuse in a secure location with access restricted to the employee, the City Manager, the Human Resources Director, Human Resources Analyst, Risk Manager, the employee's supervisor, and City legal counsel.
- C. The following records shall be retained for five years:
  - (1.) Records of alcohol test results showing blood alcohol content.
  - (2.) Records of verified positive controlled substance/drug test results.
  - (3.) Documentation of refusals to take required alcohol or controlled substance/drug tests.
  - (4.) Consent to test and release information forms.
  - (5.) Calibration testing records (kept at the testing/laboratory facility).
- D. The employee's test results shall be available for inspection by the employee.
- E. Records relating to an employee's drug/alcohol testing or misuse of drugs/alcohol may be used and disclosed in any and all termination or disciplinary actions or proceedings by the City. Such records shall not be released to other third parties without the employee's consent absent a court order.
- F. The Human Resources Director or his/her designee shall inform an employee's supervisor of a confirmed positive test result.
- G. The confidentiality of an employee's drug/alcohol testing and the records related thereto shall be waived for purposes of hearings and further proceedings if the employee appeals his/her termination, or brings or commences an action against the City in any court or administrative agency which is based on, or in any way related to the employee's drug/alcohol test. The City shall have the right to disclose and use the employee's drug/alcohol records and documentation only in the defense of, and in the course of any such appeal, court, or administrative action.

HEALTH RELATED BENEFITS

**THE CITY OF CASPER RESERVES THE UNILATERAL RIGHT TO MODIFY, REPLACE, OR TERMINATE ANY OF THE FOLLOWING BENEFIT PROGRAMS AT ANY TIME AT ITS DISCRETION, WITH OR WITHOUT NOTICE.**

**A. Insurance Coverage**

The City of Casper provides, or makes available, several insurance programs for regular and probationary, full-time employees.

**B. Health/Dental**

Health insurance costs which include major medical and dental coverage are currently shared by the employee and the City. Health insurance and life insurance are available to an employee's dependents at an additional cost.

The City currently contracts with an outside agency to administer the City's insurance plan, which is self-funded; i.e., insurance payments made by Casper City employees go into an account from which only City employees' claims are paid. City employees, through an Ad Hoc Committee, participate in an advisory role in the plan's design and operation. A detailed booklet outlining coverage is distributed at new employee orientation and available from the Human Resources Department. It is very important that you become familiar with these guidelines in order to most effectively utilize your insurance benefits.

There is a full thirty (30) day waiting period before a new employee is eligible for health insurance benefits.

Employees on leaves of absence may choose to continue insurance coverage at their own expense, in accordance with the time frames designated in the City of Casper Medical and Dental Benefit Plan document. This practice will be permissible for the duration of an authorized leave without pay, which may be granted at the discretion of the City Manager.

City retirees may remain on the City's health insurance plan by paying 100% of the retiree premium. Dental coverage, however, is not available to retirees.

**C. Continuing or Converting Your Group Health Insurance Coverage**

If you resign or are discharged from the City, or if your work hours are reduced, and if this event makes you or your dependents no longer eligible to participate in our group health insurance plan, you and your eligible dependents may have the right to continue to participate for up to eighteen (18) months at your (or your dependents') expense.

Your eligible dependents may also extend coverage, at their expense, for up to thirty-six (36) months in our group health insurance plan in the event of your death, divorce, legal separation, or entitlement to Medicare benefits, or when a child ceases to be eligible for coverage as a dependent upon the terms of the plan.

Should you or your eligible dependents elect to continue as members of the City's plan, you will be charged the applicable premium charged the City by our carrier plus an additional two percent (2%). The premium is subject to change. If this election for continuation coverage is made, you may have

the right to convert this coverage to an individual policy with our administrator at the end of the continuation period.

Continuation coverage for you and/or your eligible dependents may end, however, if any of the following events occurs: 1) failure to make timely payments of all premiums; 2) assumption of coverage under another group plan or entitlement to Medicare; or, 3) termination of the City's group health plan.

Our administrator will contact you concerning these options at the time discharge occurs or your work hours are reduced. However, in the event you become divorced or legally separated, or one of your dependents ceases to be eligible for coverage under our group health insurance plan, you and/or your dependents are responsible for contacting the Human Resources Department and the plan administrator to discuss your continuation/conversion rights.

For further details regarding continuing or converting your group health insurance benefits, please contact the Human Resources Department.

D. Life Insurance

Life insurance is provided for City employees at an amount equal to your annual salary, to a maximum of \$32,000. Employees may purchase additional term life insurance of up to \$64,000. Dependent coverage is available for an employee's family at a very nominal cost, providing \$2,000 for death of a spouse and \$1,000 for death of a child.

E. Short-Term/Long-Term Disability Insurance

Disability insurance is designed to assure your income continuation during a period of disability.

A group insurance policy for short/long term disability is provided by the City at no cost to employees.

Short-term disability policy benefits commence on the thirty-fifth (35th) calendar day of the disability, or after exhaustion of all disability leave balances, including any "annual excess accrual" (whichever is later), and continue no longer than twenty-six (26) weeks. Long-term disability insurance is available in conjunction with short-term disability. The benefit waiting period for long-term disability is one hundred eighty (180) days of continued disability. Both benefits will be equivalent to sixty-six percent (66%) of the employee's gross pay per month. Refer to the grid on page 22 for further explanation of benefits.

Sworn fire personnel are not eligible for short- and long-term disability coverage due to their contractual ability to accrue unlimited disability leave.

Pre-existing conditions and income adjustments for Wyoming Retirement System and Social Security may apply. Please contact the Human Resources Department for further details.

Parameters for employees to consider when filing for short/long term disability benefits:

1. When an employee is accepted onto short/long term disability, all accruals for vacation and disability leave stop.

2. An employee on short/long term disability will still be responsible for his/her portion of the health insurance premium, which will be at the same gross rate that they paid, or would pay, as an active employee. If an employee no longer has benefit hours to use to cover this health insurance premium, the employee must directly pay this premium to the payroll office.
3. An employee's short/long term disability benefit will be reduced if he/she has other income from sources such as Wyoming Retirement, Social Security, and/or prorated Workers' Compensation settlement.

Pension Benefits. Pension contributions will cease during the period of the short-term disability policy.

Employees may exercise their disability retirement rights, in accordance with State Statutes and other regulations, under Social Security, the Wyoming Retirement System, and Police and Fire Retirement Systems. Upon declaring their retirement due to disability, under the above systems, the disability leave and short-term disability policy benefits will cease.

Health Insurance. Currently, the City continues to pay its portion toward health insurance premiums during the short-term disability policy period.

Life Insurance. Currently, the City pays life insurance premiums throughout the short-term disability policy period in accordance with contributions in effect at the time the short-term disability commenced.

F. Family and Employee Assistance Program (FEAP)

The City realizes that we all go through difficult periods in our personal lives. The Family and Employee Assistance Program was established to provide professional counseling to assist employees, retirees and their dependents with any type of problem. The City provides two counseling options:

Three Trails Employee and Family Assistance Office provides: short-term counseling services; referral services to other community services when appropriate; follow-up or aftercare and audio/video/book library for all City employees, retirees and dependent family members. Service provided free. Contact Three Trails at 237-5750.

Central Wyoming Counseling Center provides one initial free visit, with additional visits based upon an employee's ability to pay. Contact CWCC at 237-9583.

All information regarding employee participation remains strictly confidential.

Additional information regarding these plans is available in the Human Resources Department.

## G. Wellness Program

The City of Casper maintains a Wellness Program administered by a Wellness Committee comprised of City employees. The Committee's goal is to encourage wellness, in terms of physical and emotional health, throughout the City. For more information about the many wellness related programs and activities, contact the Human Resources Department.

## RETIREMENT BENEFITS

Retirement benefits are provided through the State of Wyoming Retirement System (WRS). Fire Department personnel and sworn Police personnel participate in different pension systems. With the exception of sworn Police and Fire employees, the WRS Handbook distributed at new employee orientation and available through the Human Resources Department, is the best resource for retirement questions. Sworn Police and Fire personnel should contact the Wyoming Retirement System directly with questions. Also see "Retirement" under the "LEAVING CITY EMPLOYMENT" Section of this manual, page 19, and retirement disability leave provisions, page 30.

## VACATION

The City believes that a period of recreation, away from the job, is beneficial. New full-time employees accrue ten (10) days vacation per year of employment, with the exception of sworn Fire personnel, who have different schedules. Vacation accrued prior to one full year of service can be taken at the discretion of the Department Head or his/her designee. Vacation accrual begins on the date of employment.

Effective October 9, 2000, vacation leave for full-time employees will accrue as follows:

<u>LENGTH OF SERVICE</u>	<u>VACATION ACCRUAL RATE</u>
1 through 4 years	3.08 hours per bi-weekly pay period (10 days annually)
5 through 9 years	4.62 hours per bi-weekly pay period (15 days annually)
10 through 14 years	6.15 hours per bi-weekly pay period (20 days annually)
15 through 19 years	6.77 hours per bi-weekly pay period (22 days annually)
20 years or more	7.69 hours per bi-weekly pay period (25 days annually)

Beginning October 9, 2000, if an employee's vacation balance is over or reaches 280 hours, there will be no further accrual of vacation hours until the balance is reduced below 280 hours.

Beginning October 14, 2002 if an employee's vacation balance is over or reaches 220 hours, there will be no further accrual of vacation hours until the balance is reduced below 220 hours.

Vacation accrual and use for Fire Department personnel will be in accordance with the existing contract. Vacation time is cashed out only under the following circumstances:

(8/20/02)

- 1) A full-time employee separates from employment and has accrued vacation to his credit; the employee will be paid a salary equivalent to the accrued vacation.
- 2) A full-time employee dies and has vacation to his credit; the salary equivalent to the accrued vacation is payable to the employee's estate.
- 3) A full-time employee moves into a part-time or seasonal position; the employee will be paid a salary equivalent to the accrued vacation.

## PAID HOLIDAYS

The following paid holidays will be observed by all City employees, except where such observance is impracticable because of the function of the Department:

1. New Year's Day;
2. President's Day;
3. Memorial Day;
4. Independence Day;
5. Labor Day;
6. Columbus Day;
7. Veteran's Day;
8. Thanksgiving Day;
9. Friday following Thanksgiving Day;
10. Christmas Day;

When the duties of the employees in any Department will make the observance of the above holidays impracticable, the Department Head or his/her designee will schedule an alternate holiday observance for each employee concerned.

The City grants all full-time employees eighty (80) hours of holiday per year in the form of paid time off or straight time. Employees will be paid for actual hours worked on a City observed holiday. Actual hours worked on City observed holidays count toward the calculation of over time for the week in which they occur. Employees on ten (10) or twelve (12) hour shifts are still paid only eight (8) hours of holiday pay (plus actual hours worked) when working on a holiday, in order to maintain the same annual benefit of eighty (80) hours per employee.

### Holiday Occurring on Regularly Scheduled Days Off

For employees whose regular days off are Saturday and Sunday: if a City holiday occurs on a Saturday, the Friday prior will be the observed holiday. If the holiday occurs on a Sunday, the following Monday will be the observed holiday.

For employees who have days off other than Saturday and Sunday: if the City observed holiday falls on your regularly scheduled day off, the Department Head or his or her designee will assign an alternate holiday.

### Working on an Observed or Alternate Holiday

Department Head or his/her designee will schedule an alternate day off for an employee whose duties require him or her to work a full eight (8) hour shift on an observed holiday. Supervisors should make every attempt to work with employees to identify a mutually acceptable alternate holiday off if at all possible, to be taken within a reasonable period. In cases where an alternate day off cannot be given, an employee will be authorized an additional eight (8) hours of holiday pay (at the employee's normal hourly rate of pay).

Employees on leaves without pay, including short/long term disability leaves, are not eligible for holiday pay.

### TUITION REIMBURSEMENT

Employees may be reimbursed for tuition and books paid toward supervisor approved job-related courses. An "Employee Tuition Reimbursement Contract," available from Human Resources, must be signed by employee and Department Head or his/her designee prior to course enrollment. Upon approval, and after completion of the course with a passing grade of "C" or better, you may request reimbursement through your Department Head or his/her designee. Per the terms of the contract, if you voluntarily resign from City employment within one year of receiving tuition reimbursement, you will be required to reimburse the City for these expenses.

### RIGHT TO CHANGE POLICIES AND PROCEDURES

Policies and procedures in this manual are subject to change at the sole discretion of the City. From time to time, employees may receive updated information concerning changes in policy.

### GOVERNMENTAL CLAIMS ACT

The City retains all immunities and limitations on its liability as afforded by the Wyoming Governmental Claims Act, and no waiver of such immunities or limitations is intended.

### REPEALING CLAUSE

These Rules and Regulations are intended to, and shall replace previous City personnel rules and/or regulations, including, but not limited to, those contained in Resolution 92-205, and previous employee handbooks.

### SEVERABILITY CLAUSE

If any section, clause, or phrase is held to be unconstitutional or invalid, it will not affect the balance of these rules.



## ONE FINAL WORD

This manual is prepared for and distributed to the employees of the City of Casper in order to aid in understanding the City and its policies. The City expects to follow these policies and anticipates that this manual will continue to serve as a ready source of information.

**THIS PERSONNEL RULES AND REGULATIONS MANUAL IS NOT A CONTRACT OF EMPLOYMENT. NOTHING CONTAINED IN THIS MANUAL OR IN ANY OTHER STATEMENTS OF CITY PHILOSOPHY, INCLUDING STATEMENTS MADE IN THE COURSE OF PERFORMANCE EVALUATIONS AND WAGE REVIEWS, SHOULD BE TAKEN AS CONSTITUTING AN EXPRESS OR IMPLIED PROMISE OF CONTINUING EMPLOYMENT. THE CITY OF CASPER RESERVES THE UNILATERAL RIGHT TO MODIFY ITS POLICIES AND PROCEDURES AT ANY TIME AT IS DISCRETION, WITH OR WITHOUT NOTICE.**

Thank you for reading this manual.